

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

CITIBANK, N.A., SUCCESSOR TO
CITIBANK (SOUTH DAKOTA), N.A.

Petitioner,

and

SANDRA RINI

Respondent.

Case No. 1:14-cv-02165

**MEMORANDUM IN SUPPORT OF
MOTION TO STAY PROCEEDINGS
AND TO COMPEL ARBITRATION**

JUDGE JAMES S. GARVIN

[Proposed Order lodged concurrently]

Respondent Sandra Rini (hereinafter “Ms. Rini”) filed a claim in JAMS against Petitioner Citibank (“Petitioner” or “Citibank”) on February 8, 2012, and filed a detailed Complaint in JAMS on August 27, 2012. *See* Doc. Nos. 1-3 & 1-4. Citibank filed a counterclaim against Ms. Rini on September 7, 2012. Doc. No. 1-6. A final award was issued in this matter on October 2, 2013 and served on the parties on October 22, 2013 (the “Award”). *See* Doc. No. 1-7. Ms. Rini submitted a notice of appeal to JAMS the next day, on October 23, 2013. *See* Doc. No. 1-8. However, Ms. Rini’s October 23, 2013 notice of appeal was not perfected because Ms. Rini had not paid the required JAMS filing fees. *See* Exhibit A.

About a year later, on September 30, 2014, Citibank filed this action to confirm the Award, a few days before expiration of the one-year statute of limitations provided by the Federal Arbitration Act (the “FAA”), 9 U.S.C. § 9. Doc. No. 1. Thereafter, on October 17, 2014, JAMS notified the parties that an appeal of the Award had been perfected under JAMSs reference number 1390000153 (the “Arbitration Appeal”). A copy of JAMS October 17, 2014 letter is attached hereto as Exhibit B.

Since the Arbitration Appeal has been perfected, this matter should be stayed pending the resolution of the Arbitration Appeal. Moreover, the FAA specifically contemplates staying litigation proceedings pending private arbitration. 9 U.S.C. § 3.

While Citibank filed this action to preserve its right to confirm the Award under the FAA's one-year statute of limitations, now that the Arbitration Appeal has been properly perfected and initiated, these claims are again referable to arbitration. Citibank sent a proposed stipulated motion to stay these proceedings but has not yet received a response from Respondent. *See Exhibit C.*

Wherefore, Petitioner hereby respectfully requests that these proceedings be stayed pending the resolution of the Arbitration Appeal.

Respectfully Submitted,

s/ Mark C. Brncik
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*This is a communication from
a debt collector.*

CERTIFICATION

The undersigned hereby certifies that this matter has not been assigned to any track, and that this Memorandum adheres to the page limitation set forth in Northern District of Ohio Local Rule 7.1(f).

/s/ Mark C. Brncik
MARK C. BRNCIK (#0089134)
Attorney for Petitioner
This is a communication from a debt collector.

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2014, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system. A copy of the foregoing was also served via regular U.S. Mail to the following:

Sandra L. Rini
3070 Blair Ave.
Mansfield, Ohio 44903
Respondent Pro Se

s/ Mark C. Brncik
MARK C. BRNCIK (#0089134)
Attorney for Petitioner
This is a communication from a debt collector.